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FILED

MAY - 8 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN HIBBETT,

Defendant.

No. CR 5:13-MJ-70368 HRL

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING APPEARANCE
DATE AND EXCLUDING TIME FROM
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C.
§ 3161(h)(8)(A))

This matter is scheduled before the Court for an preliminary hearing or arraignment on May 9, 2013. On April 5, 2013, this Court issued a criminal complaint against the defendant related to two child pornography offenses under 18 U.S.C. § 2252(a). The United States and the defendant now request a continuance until June 6, 2013 in order to afford defense counsel additional time to effectively prepare and also to allow the parties an opportunity to discuss a potential pre-indictment resolution of the matter. The parties agree, and the Court finds and holds, as follows:

1. The preliminary hearing or arraignment is continued to June 6, 2013.

STIPULATION AND ~~PROPOSED~~ ORDER
CR 5:13-MJ-70368 HRL

1 2. Time should be excluded under Rule 5.1 from May 9, 2013 to June 6, 2013 in
2 order to allow defense counsel additional time to effectively prepare and also to allow the parties
3 an opportunity to discuss a potential pre-indictment resolution of the matter. The parties agree
4 that the continuance is proper under Rule 5.1 of the Federal Rules of Criminal Procedure and 18
5 U.S.C. § 3060.

6 3. The time between May 9, 2013 to June 6, 2013 is excluded under the Speedy
7 Trial Act. The parties agree that the failure to grant the requested continuance would
8 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
9 into account the exercise of due diligence. Finally, the parties agree that the ends of justice
10 served by granting the requested continuance outweigh the best interest of the public and the
11 defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §
12 3161(h)(8)(A).

13 STIPULATED:

14 DATED: 5/8/13

/s/
VARELL FULLER
Assistant Federal Public Defender

16 DATED: 5/8/13

/s/
JOSEPH FAZIOLI
Assistant United States Attorney

18 IT IS SO ORDERED.

19 DATED: 5/8/13

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE